

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

2013 SEP 16 PM 12:09

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SO. DIST. OF GA.

CASE NO. CV419-113

SAM OLSEN, Attorney General,
Respondent.

Before the Court is the Magistrate Judge's Report and Recommendation (Doc. 3), to which objections have been filed (Doc. 15). After a careful de novo review of the record, the Court concludes that Petitioner's objections are without merit. Accordingly, the report and recommendation is **ADOPTED** as the Court's opinion in this case. As a result, Petitioner's 28 U.S.C. § 2254 petition is **DISMISSED** as successive and Petitioner's Motion Finding Facts and Conclusion Law (Doc. 2) is **DENIED AS MOOT**. Further, any claims for monetary damages, as asserted in the context of his habeas petition, should be **DISMISSED WITHOUT PREJUDICE**.

In addition, the Court **DECLINES** to issue a Certificate of Appealability ("COA") in this case. Pursuant to 28 U.S.C. § 2253(c), an appeal may not be taken in this matter

unless the court first issues a COA. This certificate may issue only if Petitioner has made a substantial showing of the denial of a constitutional right. Slack v. McDaniel, 529 U.S. 473, 484, 120 S. Ct. 1595, 1603-04, 146 L. Ed. 2d 542 (2000). The Court has carefully considered Petitioner's case and finds that he cannot meet the above standard. As a result, any request by Petitioner for leave to appeal in forma pauperis would be moot. The Clerk of Court is **DIRECTED** to close this case.

SO ORDERED this 16th day of September 2019.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA